

Message Text

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ORIGIN DHA-05

INFO OCT-01 EUR-12 EA-10 IO-13 ISO-00 L-03 SS-15
SIG-01 AID-05 OMB-01 TRSE-00 IGA-02 CIAE-00
DODE-00 PM-05 H-01 INR-07 NSAE-00 PA-01 PRS-01
SP-02 NSCE-00 SSO-00 USIE-00 INRE-00 /085 R

DRAFTED BY D/HA/ORM:GWARREN/EA:ROAKLEY:CML
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O P 262132Z AUG 77
FM SECSTATE WASHDC
TO USMISSION GENEVA IMMEDIATE
AMEMBASSY BANGKOK IMMEDIATE
INFO AMCONSUL UDORN PRIORITY
AMCONSUL HONG KONG
USMISSION USUN NEW YORK
AMEMBASSY PARIS
AMEMBASSY VIENTIANE
AMEMBASSY KUALA LUMPUR

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E.O. 11652: N/A

TAGS: SREF

SUBJECT: UNHCR INDOCHINESE REFUGEE STATUS IN THAILAND

REFS: (A) BANGKOK 17858; (B) BANGKOK 18071; (C) BANGKOK
18455; (D) VIENTIANE 1193; (E) VIENTIANE 1209
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1. THE DEPARTMENT SHARES THE CONCERN OF EMBASSY BANGKOK
THAT UNHCR MAY BE MOVING TOWARD DRAWING A DISTINCTION
BETWEEN POLITICAL AND ECONOMIC REFUGEES ENTERING THAILAND.
WE ARE STRONGLY OPPOSED TO ANY SUCH ATTEMPT TO CLASSIFY
THE INDOCHINESE REFUGEES AS ECONOMIC RATHER THAN POLITICAL,
OR TO ADJUST CRITERIA TO DISTINGUISH AMONG NEW ARRIVALS

TO THAT END. DEPUTY UNHCR MACE WAS ADVISED OF OUR VIEWS ON THIS ISSUE ON THE OCCASION OF HIS LAST VISIT TO WASHINGTON. U.S. MISSION GENEVA SHOULD ON AN URGENT BASIS MAKE THE HIGH COMMISSIONER AWARE OF THIS ONCE AGAIN AND OF OUR DISTRESS THAT AFTER A LONG AND, WE BELIEVE FRUITFUL, CO-OPERATION ON THE PROBLEM OF INDOCHINESE REFUGEES IN THAILAND, THE UNHCR AND OURSELVES NOW SEEM TO BE MOVING IN OPPOSITE DIRECTIONS.

2. IN ADDITION TO THE POINTS MADE BY GOSS/ROSENBLATT TO BERTA, THERE ARE OTHER CONSIDERATIONS INVOLVED. ECONOMIC CONDITIONS IN INDOCHINA ARE DIRECTLY RELATED TO THE NEW

REGIMES POLICIES OF TOTALLY RESHAPING THESE SOCIETIES. ECONOMIC DEPRIVATION CAN BE, AND WE BELIEVE THERE IS, AN EFFECTIVE MEANS OF POLITICAL PERSECUTION. IT IS THE SYSTEM AND THE TECHNIQUES USED TO APPLY IT WHICH ARE FORCING PEOPLE TO FLEE. EMPLOYMENT, PARTICULARLY IN URBAN AREAS, IS NOT AVAILABLE TO MANY FOR POLITICAL REASONS OR FOR REASONS OF PAST ASSOCIATION. THUS MANY HAVE CHOSEN TO LEAVE JUST TO SURVIVE. IN THESE CIRCUMSTANCES IT IS CLEAR THAT DEPARTURE IS OFTEN BASED ON A MIXTURE OF MOTIVES AND ANY ATTEMPT TO SEPARATE OUT PURELY ECONOMIC REFUGEES RUNS A SERIOUS RISK OF DENYING THE BENEFITS OF THE LEGAL PROTECTION OF THE UNHCR TO THOSE DESPERATELY NEEDING IT. ADOPTION OF THE DISTINCTION NOW WOULD GIVE LIMITED OFFICIAL USE

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UNHCR BLESSING TO A SYSTEM WHICH IN MANY CASES WOULD AMOUNT TO FORCIBLE REPATRIATION OF POLITICAL REFUGEES (REFOULEMENT). WE BELIEVE THAT THIS WOULD BE THOROUGHLY UNJUSTIFIED IN THE PRESENT CASE IN LIGHT OF THE CURRENT TOTAL POLITICAL RESTRUCTURING OF THE SOCIETIES OF LAOS, CAMBODIA AND VIETNAM WHICH IS UNDERWAY.

3. EVEN IF SUCH REFUGEES LEFT INDOCHINA PURELY FOR ECONOMIC REASONS, THEIR FORCIBLE RETURN WOULD SURELY SUBJECT THEM TO SERIOUS DANGERS AS A RESULT OF THEIR ACTIONS IN FLEEING THEIR HOMELAND. (REFS D AND E). THE FINAL TEST IN THE CONVENTION AND PROTOCOL ON THE STATUS OF REFUGEES IS, AFTER ALL, WHETHER THE REFUGEE HAS A JUSTIFIED FEAR OF POLITICAL PERSECUTION UPON HIS RETURN TO HIS COUNTRY OF NATIONALITY. REPORTING ON ALL THREE INDOCHINESE COUNTRIES STRONGLY SUPPORTS THIS CONCLUSION.

4. IN PRACTICAL TERMS IN THAILAND THE ESTABLISHMENT OF A NEW CATEGORY OF REFUGEES NOT ENTITLED TO UNHCR BENEFITS WILL NOT EASE THE SITUATION. IT IS MORE LIKELY TO COMPLICATE IT. AN EXAMINATION OF EACH INDIVIDUAL CASE

WILL BE CUMBERSOME AND SERVE TO PLACE NEW ARRIVALS IN LIMBO FOR A PERIOD OF TIME UNTIL A DETERMINATION OF ELIGIBILITY FOR POLITICAL REFUGEE STATUS CAN BE MADE. THE PROBLEM OF HUMANE TREATMENT AND PROTECTION AGAINST FORCED REPATRIATION FOR THOSE FOUND INELIGIBLE IS AN EVEN MORE SERIOUS MATTER. UNHCR COULD NOT IN CONSCIENCE TURN ITS BACK ON THE SO-CALLED ECONOMIC REFUGEES AND TACITLY AGREE TO INVOLUNTARY REPATRIATION KNOWING THAT RETURNEES WOULD BE TREATED HARSHLY UPON THEIR RETURN.

5. WE DO NOT CONSIDER THAT IT IS THE PROPER ROLE OF UNHCR TO DEVELOP OR TO PARTICIPATE IN THE DEVELOPMENT OF A DETERRENT TO REFUGEES BY SUCH ARBITRARY MEANS. UNHCR'S PRIMARY FUNCTION IS TO PROVIDE FOR THE LEGAL PROTECTION LIMITED OFFICIAL USE

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AS A MEANS OF LIMITING THE NUMBER TO BE CARED FOR.

6. US MISSION SHOULD SEEK URGENT MEETING WITH SADRUDDIN AND, DRAWING UPON POINTS ABOVE, SEEK FURTHER CLARIFICATION AS TO HOW HE SEES SITUATION IN THAILAND. YOU SHOULD INFORM HIM THAT USG CONSIDERS IT THOROUGHLY UNJUSTIFIED FOR UNHCR TO LEND ITSELF TO AGREEMENT OR PRACTICES WHICH WOULD HAVE EFFECT OF FORCIBLE REPATRIATION. MOREOVER, THIS COULD HAVE NEGATIVE EFFECT ON US PUBLIC AND CONGRESSIONAL ATTITUDES TOWARD UNHCR, PARTICULARLY SINCE IT COMES AT TIME WHEN UNITED STATES HAS INCREASED ITS EFFORTS TO ASSIST INDOCHINESE REFUGEES. NEGATIVE EFFECTS COULD BECOME SUCH AS TO MAKE IT MORE DIFFICULT FOR USG TO MAINTAIN ITS PRESENT HIGH LEVEL OF SUPPORT FOR UNHCR.

7. FOR BANGKOK: DEPARTMENT IS CONCERNED OVER INCREASING EVIDENCE THAT THAI ARE MOVING IN THE DIRECTION OF FORCIBLE REPATRIATION. WE RECOGNIZE, OF COURSE, THAT RTG HAS A SERIOUS PROBLEM BOTH IN TERMS OF DOMESTIC POLITICS AND IN THE PRACTICAL PROBLEMS OF ABSORBING LARGE NUMBERS OF REFUGEES. WE, ALONG WITH THE UNHCR AND OTHER COUNTRIES, STAND READY TO ASSIST THE THAI IN MEETING THIS PROBLEM. RTG IS FULLY AWARE OF WHAT WE HAVE ALREADY DONE AND OUR READINESS TO DO MORE. WHILE THE CAMP POPULATION IN THAILAND HAS CONTINUED TO GROW SLOWLY, SUBSTANTIAL CONTINUING PROGRAMS OF THIRD COUNTRY RESETTLEMENT SUPPORT THE HOPE THAT THIS PROBLEM CAN BE MAINTAINED WITHIN REASONABLE BOUNDS, THUS ALLEVIATING PRESSURES AND OBTAINING NEED TO RESORT TO MEASURES PRESENTLY BEING CONSIDERED. FOR SOME TIME NOW, WE HAVE INDICATED TO THE RTG OUR BELIEF THAT THEY WOULD BE WELL ADVISED TO TAKE STEPS TO INCREASE THE SELF-SUFFICIENCY OF THESE LIMITED OFFICIAL USE

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REFUGEES BY ALLOWING THEM GREATER ACCESS TO THE ECONOMIC LIFE OF THE NATION. OBVIOUSLY, THIS WOULD INVOLVE SUBSTANTIAL INITIAL EXPENDITURES. THE USG IS PREPARED TO CONSIDER WHAT IT COULD DO TO ASSIST SUCH A PROGRAM, DIRECTLY AND IN COOPERATION WITH UNHCR AND OTHER GOVERNMENTS. IF, HOWEVER, THE RTG CHOOSES TO DEAL WITH THIS PROBLEM THROUGH FORCIBLE REPATRIATION OF NUMBERS OF THESE REFUGEES, IT WOULD BE IMPOSSIBLE FOR THE USG TO ASSOCIATE ITSELF WITH THE RTG IN ITS OVERALL HANDLING OF THE REFUGEE PROGRAM. THIS IS ESPECIALLY TRUE IN VIEW OF OUR STRONG BELIEF THAT SUCH REFUGEES WOULD BE SUBJECTED TO SEVERE POLITICAL PERSECUTION UPON THEIR RETURN WHATEVER THEIR MOTIVATION FOR LEAVING. REQUEST CHARGE RAISE THIS ISSUE WITH PRIME MINISTER THANIN, DRAWING UPON PAST CONVERSATIONS WITH MINISTER INTERIOR (IN WASHINGTON AND BANGKOK), AND FOMIN UPADIT AND OTHER RTG OFFICIALS.

CHARGE SHOULD REVIEW WHAT WE HAVE ALREADY DONE TO ASSIST RTG AND EXPRESS OUR WILLINGNESS TO WORK CLOSELY WITH THE RTG IN A PROGRAM TO DEAL WITH THE REFUGEE PROBLEM POSITIVELY. AT SAME TIME, CHARGE SHOULD EXPRESS OUR SERIOUS CONCERN THAT THE RTG MAY BE MOVING IN THE DIRECTION OF FORCIBLE REPATRIATION AND POINT OUT VERY NEGATIVE EFFECT THIS WOULD HAVE ON ATTITUDES USG AND POPULAR AND CONGRESSIONAL OPINION.

8. FOR GENEVA: WE ALSO BELIEVE IT IMPORTANT TO DISCUSS THE WHOLE RANGE OF INDOCHINESE REFUGEE PROBLEMS WITH THE HIGH COMMISSIONER AS SOON AS POSSIBLE, TO INCLUDE THIS QUESTION OF THE STATUS OF REFUGEES, POSSIBLE RESETTLEMENT OF REFUGEES IN THAILAND AND THE ROLE UNHCR CAN PLAY IN THIS EFFORT, THE NEW USG PAROLE ACTION FOR 15,000 REFUGEES, FUTURE REQUIREMENTS FOR THIRD COUNTRY RESETTLEMENT OF INDOCHINESE REFUGEES AND UNHCR EFFORTS AND PLANS TO THIS END. REQUEST US MISSION ASCERTAIN WHEN HIGH COMMISSIONER NEXT EXPECTS TO BE IN THE UNITED STATES. IF
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THIS IS NOT TO BE FOR SOME TIME, DEPARTMENT IS PREPARED TO SEND OFFICERS TO GENEVA TO DISCUSS THESE MATTERS WITH THE HCR AT AN EARLIER DATE IF HE AGREES THAT SUCH DISCUSSION WOULD BE USEFUL. CHRISTOPHER

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REFUGEES
Control Number: n/a
Copy: SINGLE
Sent Date: 26-Aug-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE204849
Document Source: CORE
Document Unique ID: 00
Drafter: GWARREN/EA:ROAKLEY:CML
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770309-1273
Format: TEL
From: STATE
Handling Restrictions: n/a
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Legacy Key: link1977/newtext/t19770817/aaaaanzf.tel
Line Count: 221
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To: GENEVA BANGKOK MULTIPLE
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